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MONTANA LEGISLATIVE HISTORY

Chapter 28 19 91

Bill H 89 S _____ Original bill & history X C

H. Committee on FISH & GAME

Hearing Date(s) 1/15 X C
& EXEC. ACTION

_____ ____C

_____ ____C

_____ ____C

Date Out _____ ____C

S. Committee on FISH & GAME

Hearing Date(s) 1/31 X C
& EXEC. ACTION

_____ ____C

_____ ____C

_____ ____C

Did this bill originate in an interim committee? ____ Yes X No

Committee _____ Report _____

3/22	SIGNED BY SPEAKER		
3/22	SIGNED BY PRESIDENT		
3/23	TRANSMITTED TO GOVERNOR		
3/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 167	EFFECTIVE DATE: 10/01/91	

HB 88 INTRODUCED BY STANG

ALLOW USE OF DOGS IN PURSUING BLACK AND BROWN BEAR

1/03	INTRODUCED		
1/03	REFERRED TO FISH & GAME		
1/07	FIRST READING		
1/17	HEARING		
1/17	TABLED IN COMMITTEE		

HB 89 INTRODUCED BY GRADY, ET AL.

CHANGE FISH & GAME COMMISSION TO FISH, WILDLIFE, & PARKS COMMISSION

BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE, & PARKS

1/03	INTRODUCED		
1/03	REFERRED TO FISH & GAME		
1/07	FIRST READING		
1/15	HEARING		
1/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/18	PLACED ON CONSENT CALENDAR		
1/21	3RD READING PASSED	94	2
	TRANSMITTED TO SENATE		
1/22	FIRST READING		
1/22	REFERRED TO FISH & GAME		
1/31	HEARING		
2/02	COMMITTEE REPORT—BILL CONCURRED		
2/04	2ND READING CONCURRED	49	0
2/05	3RD READING CONCURRED	43	6
	RETURNED TO HOUSE		
2/11	SIGNED BY SPEAKER		
2/11	SIGNED BY PRESIDENT		
2/11	TRANSMITTED TO GOVERNOR		
2/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 28	EFFECTIVE DATE: 10/01/91	

HB 90 INTRODUCED BY COBB

REVISE THE MONTANA AGRICULTURAL LOAN AUTHORITY ACT

BY REQUEST OF DEPARTMENT OF AGRICULTURE

1/03	INTRODUCED		
1/03	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
1/03	FISCAL NOTE REQUESTED		
1/07	FIRST READING		
1/09	HEARING		
1/09	FISCAL NOTE RECEIVED		
1/11	FISCAL NOTE PRINTED		
2/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/16	2ND READING PASSED	94	0
2/19	3RD READING PASSED	100	0
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
3/06	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED		
3/09	2ND READING CONCURRED AS AMENDED	30	18
3/11	3RD READING CONCURRED	43	5

	RETURNED TO HOUSE		
3/16	2ND READING AMENDMENTS CONCURRED	89	2
3/18	3RD READING AMENDMENTS CONCURRED	94	4
3/22	SIGNED BY SPEAKER		
3/22	SIGNED BY PRESIDENT		
3/23	TRANSMITTED TO GOVERNOR		
3/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 168	EFFECTIVE DATE: 3/26/91	

HB 91 INTRODUCED BY GILBERT, ET AL.

REVISE ELIGIBILITY FOR MOOSE, GOAT, AND SHEEP LICENSES—7-YEAR WAIT PERIOD

1/03	INTRODUCED		
1/03	REFERRED TO FISH & GAME		
1/07	FIRST READING		
1/15	HEARING		
1/18	FISCAL NOTE REQUESTED		
1/18	COMMITTEE REPORT—BILL PASSED		
1/21	2ND READING PASSED	95	3
1/23	FISCAL NOTE RECEIVED		
1/23	3RD READING PASSED	92	6
	TRANSMITTED TO SENATE		
1/24	FIRST READING		
1/24	REFERRED TO FISH & GAME		
1/25	FISCAL NOTE PRINTED		
2/05	HEARING		
2/07	COMMITTEE REPORT—BILL CONCURRED		
2/09	2ND READING CONCURRED	48	0
2/11	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
2/23	SIGNED BY SPEAKER		
2/25	SIGNED BY PRESIDENT		
2/25	TRANSMITTED TO GOVERNOR		
2/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 57	EFFECTIVE DATE: 2/27/91	

HB 92 INTRODUCED BY DOLEZAL

AUTHORIZE IGNITION INTERLOCK FOR DUI OFFENSES

BY REQUEST OF ADULT & JUVENILE DETENTION, JOINT INTERIM SUBCOMMITTEE ON

1/03	INTRODUCED		
1/03	FISCAL NOTE REQUESTED		
1/03	REFERRED TO JUDICIARY		
1/07	FIRST READING		
1/11	FISCAL NOTE RECEIVED		
1/15	FISCAL NOTE PRINTED		
1/18	HEARING		
1/21	TABLED IN COMMITTEE		

HB 93 INTRODUCED BY COBB

IMPOSE UTILIZATION FEE ON NURSING FACILITIES FOR CERTAIN REIMBURSED BED DAYS

BY REQUEST OF DEPARTMENT OF SOCIAL & REHABILITATION SERVICES

1/03	INTRODUCED		
1/03	FISCAL NOTE REQUESTED		
1/03	REFERRED TO HUMAN SERVICES & AGING		
1/07	FIRST READING		
1/11	FISCAL NOTE RECEIVED		
1/14	HEARING		
1/14	FISCAL NOTE PRINTED		
3/27	COMMITTEE REPORT—BILL PASSED AS AMENDED		

HOUSE BILL NO. 89

INTRODUCED BY GRADY

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE NAME OF THE FISH AND GAME COMMISSION TO THE FISH, WILDLIFE, AND PARKS COMMISSION; AND AMENDING SECTION 2-15-3402, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-3402, MCA, is amended to read:

"**2-15-3402. Fish ~~and---game~~, wildlife, and parks commission -- composition -- qualifications -- quasi-judicial.** (1) There is a fish ~~and-game~~, wildlife, and parks commission.

(2) The commission consists of five members. At least one member ~~shall~~ must be experienced in the breeding and management of domestic livestock. The governor shall appoint one member from each of the following districts:

(a) District No. 1, consisting of Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Lewis and Clark Counties;

(b) District No. 2, consisting of Deer Lodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin, Park, and Sweet Grass Counties;

HB 0089/01

(c) District No. 3, consisting of Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith Basin, Fergus, Blaine, Meagher, and Wheatland Counties;

(d) District No. 4, consisting of Phillips, Valley, Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone, Richland, Dawson, and Wibaux Counties;

(e) District No. 5, consisting of Golden Valley, Musselshell, Stillwater, Carbon, Yellowstone, Big Horn, Treasure, Rosebud, Custer, Powder River, Carter, Fallon, and Prairie Counties.

(3) Appointments ~~shall~~ must be made without regard to political affiliation and ~~shall~~ must be made solely for the wise management of the fish, wildlife, and state parks, and other outdoor recreational resources of this state. A person may not be appointed to the commission unless he is informed or interested and experienced in the subject of wildlife, fish, and outdoor recreation and the requirements for the conservation and protection of fish, game, game birds, animals, and outdoor recreational resources.

(4) A vacancy occurring on the commission ~~shall~~ must be filled by the governor in the same manner and from the district in which the vacancy occurs.

(5) The fish ~~and-game~~, wildlife, and parks commission is designated as a quasi-judicial board for purposes of 2-15-124. Notwithstanding the provisions of 2-15-124(1), the

INTRODUCED BILL
HB 89

governor is not required to appoint an attorney to serve as a member of the commission."

NEW SECTION. **Section 2.** **Name change -- directions to code commissioner.** Wherever the name "fish and game commission", meaning the commission established in 2-15-3402, appears in the Montana Code Annotated or in legislation enacted by the 1991 legislature, the code commissioner is directed to change the name to "fish, wildlife, and parks commission".

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN JIM ELLIOTT, on January 15, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Jim Elliott, Chair (D)
John Johnson, Vice-Chair (D)
Beverly Barnhart (D)
Fred "Fritz" Daily (D)
Roger DeBruycker (R)
Orval Ellison (R)
Gary Forrester (D)
Bob Gilbert (R)
Marian Hanson (R)
Vernon Keller (R)
Bea McCarthy (D)
Bruce Measure (D)
John Phillips (R)
Ted Schye (D)
John Scott (D)
Wilbur Spring (R)
Bill Strizich (D)

Staff Present: Doug Sternberg, Legislative Council
Ginger Puntenney, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON HOUSE BILL 89

Presentation and Opening Statement by Sponsor:

REP. EDWARD GRADY, House District 47, Canyon Creek, explained that HB 89 changes the name of the Fish and Game Commission to Fish, Wildlife, and Parks Commission. The agency's name is Fish, Wildlife, and Parks, but the Fish and Game Commission's name was never changed to include Parks.

Proponents' Testimony:

Erroll Galt, Chairman of the Fish and Game Commission, said the Commission supports HB 89. The 1979 Legislature changed the Department of Fish and Game to the Montana Department of Fish,

Wildlife, and Parks. The intent in 1979 was to also change the Commission's name, but due to technical omissions in the bill, it was overlooked. Changing the Commission's name will clarify the Commission's areas of responsibility. There will be no additional costs associated with this name change. **EXHIBIT 1**

Janet Ellis, Montana Audubon Legislative Fund, said the Fund supports HB 89 and presented two amendments to the bill. The first amendment was technical. The second amendment would include Parks in the "job description" of the commissioners. **EXHIBIT 2**

Tony Schoonen, a sportsman and landowner, said the name change is appropriate, as it covers all aspects of the Department of Fish, Wildlife, and Parks.

Questions From Committee Members:

REP. JOHN SCOTT asked Mr. Galt why there would be no additional costs in changing the Commission's name. Mr. Galt referred the question to Mr. Don Hyyppa, FWP. **Mr. Hyyppa** informed the committee that the Commission's name only appears on the Commission's letterhead and not on any of the Department's property. It will be necessary to make a change in the letterhead, since new commissioners have been appointed. There are no costs associated with this change, except administrative costs.

REP. BRUCE MEASURE asked Mr. Galt his opinion of the proposed amendments submitted by the Montana Audubon Legislative Fund. **Mr.** Galt approved of the amendment changes.

Closing by Sponsor:

REP. GRADY stated that he sees a redirection of parks within the state and that parks have become more visible within FWP. Parks needs to become a more integral part of the Department and the Commission. He approved of the amendments.

HEARING ON HOUSE BILL 33

Presentation and Opening Statement by Sponsor:

REP. MARK O'KEEFE, House District 45, Helena, said this bill would make it a criminal offense (with the same penalties that would be applied to trespassing) for any individual, without authorization, to knowingly post public land that is under the ownership or control of the state or federal government. This bill simply states that if a person illegally posts state or federal land, it will be a state crime. This bill does not deal with access to state lands.

EXECUTIVE ACTION ON HOUSE BILL 89

Motion: **REP. FRED DAILY** MOVED HB 89 DO PASS

Amendments, Discussion, and Votes:

REP. TED SCHYE MOVED AMENDMENTS TO HB 89 DO PASS

REP. FORRESTER questioned if Amendment 1 (to strike game, game birds, animals and insert wildlife) was a back door approach by the Audubon Society to force FWP to manage nongame species which are not recognized as game species. This would have a fiscal impact on the Department. **Doug Sternberg** explained to the committee the definition of wildlife in the fish and game Codes. It is a very broad definition and these amendments would not affect any aspect of the management responsibilities of the Department, but rather speak directly to the knowledge that would be required of a person appointed to the commission. The bill would read that a person may not be appointed to the commission unless he is informed or interested and experienced in the subject of wildlife, fish, parks and outdoor recreation and the requirements for the conservation and protection of fish, wildlife, parks and outdoor recreational resources. The intent of these amendments would not mean that the Department would be forced to manage all other species.

AMENDMENTS TO HB 89 DO PASS

Recommendation and Vote:

REP. BEA MCCARTHY MOVED HB 89 DO PASS AS AMENDED

HB 89 DO PASS AS AMENDED - UNANIMOUSLY

REP. ELLISON requested a copy of the amendment to HB 33. It was agreed that the committee would delay action on this bill until the amendments are received.

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL DATE 1-15-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓		
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER	✓		
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

CS05FISH&G.MAN

EXHIBIT 1
DATE 1-15-91
HB 89

HB 89
January 15, 1991

Testimony presented by Errol T. Galt, Chairman
Montana Fish and Game Commission

The Fish and Game Commission is pleased to support House Bill 89.

The 1979 Legislature changed the name of the Department of Fish and Game to the Montana Department of Fish, Wildlife & Parks. This change was made to more accurately reflect the agency's responsibilities. The intent in 1979 was to also change the commission's name, but, due to technical omissions in the bill, it was overlooked.

Upon my appointment to the commission two years ago, one of my initial objectives was to change the commission's name to accurately reflect our responsibilities in fisheries, wildlife and parks. This was suggested to both Governor Stephens and Department Director K. Cool and both readily agreed. On November 9, 1989, the day following the state centennial celebration, the full commission concurred in this proposal to change our name.

Both our commission and our department have responsibilities beyond the management of fish and game species. They include the 60-unit state park system and Parks Division which were transferred from the Department of Highways in 1965. They also include the snowmobile program, community grants program from the federal land and water conservation fund, the care of the state capital grounds, the management of nongame wildlife species and other responsibilities.

Changing our commission's name will reflect contemporary responsibilities and more accurately portray the commission's role to the public we serve. This bill is timely because of the increased attention the public, the administration and our commission are giving parks matters. The State Park Futures Committee, in its report to Governor Stephens and to you, also recommends this name change.

There will be no additional cost associated with the name change proposed in this legislation. The benefits to the commission, the department and the people who deal with us should be significant.

I urge passage of House Bill 89. Thank you.

Proposed Amendments to House Bill 89
Montana Audubon Legislative Fund
January 15, 1991

EXHIBIT 2 of 2
DATE 1-15-91
HB 89

1. Page 2, line 18-19.
   Strike: "game, game birds, animals"
   Insert: "wildlife"

2. Page 2, line 17.
   Following: "fish,"
   Insert: "parks,"

   Page 2, line 19.
   Following: "animals,"
   Insert: "parks,"

Fish & Game Committee
January 15, 1991
Testimony on HB 89

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I am the lobbyist for the Montana Audubon Legislative Fund. The Audubon Fund is composed of the nine Montana Chapters of the National Audubon Society. Currently our membership stands at about 2,500.

We support HB 89 enthusiastically. The Fish and Game Commission makes decisions governing the Montana Department of Fish, Wildlife & Parks. These decisions affect all wildlife in the state, including, game, nongame, predators and furbearers. The decisions also impact our state park system.

We support this name change and would suggest several amendments that, we feel, will compliment this legislation:

1) Our first amendment is technical.

2) Our second amendment asks that this be more than a symbolic name change. We ask that "parks" be included in the items that commissioners are "informed, interested, or experienced in." We feel that some interest, at a minimum, of commissioners in parks is important. We do not feel that the only things that parks do is facilitate "outdoor recreational" facilities. Including parks in the "job description" of commissioners is important.

We want to thank you for listening to our testimony on this issue. We also want to thank Fish, Wildlife & Parks Chairman Galt for this brilliant idea.

VISITORS' REGISTER

Fish and Game COMMITTEE

BILL NO. HB 89 DATE 1-15-91

SPONSOR Grady

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Errol Galt	Martinsdale, MT (F+G)	✓	
Janet Ellis	Helena	✓	
Tom Schoonen	Ramsay	✓	
Bill Baldwin	Butte	✓	
			/

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Senator Bob Williams, on January 31, 1991, at 3:00 P.M.

ROLL CALL

Members Present:
Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Jr. Anderson (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsoneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused: None

Staff Present: Andrea Merrill (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

Roll Call taken and noted.

Chairman Williams opened the meeting and turned it over to Vice Chairman Bianchi in order to testify at another hearing.

HEARING ON HB 89

Presentation and Opening Statement by Sponsor:

Representative Grady, representing House District No. 27, explained that this bill will change the name of the Fish and Game Commission to Fish, Wildlife, and Parks Commission. Since parks have become an inherited part of the Commission's duties, the Commission felt that the word "PARKS" should be added to their title. This bill had no opposition in the House.

Proponents' Testimony:

Pat Graham, Director of Fish, Wildlife, and Parks. Presented comments from K. L. Cool. See Exhibit 1.

Tony Schoonen, Ramsey, representing the Anaconda Sportsmen's Assoc. and Skyline Sportsmen stated that his clubs have no problem with the name change and support HB 89.

Questions From Committee Members:

Senator Jergeson commented that he voted against legislation years ago when this changed to Fish and Game Commission. Isn't it going to be tough for someone to cuss the "damn Fish, Wildlife, and Parks Commission rather than just the "damn Fish and Game Commission?" Vice Chairman Bianchi stated that he thought the Fish and Game got discussed, not cussed.

Closing by Sponsor:

Representative Grady felt that it was time to officially get the word "Parks" into the Fish and Wildlife title since they now had the responsibility.

EXECUTIVE ACTION ON HB 89

Motion:

Motion made by Senator Swift that HB 89 do pass.

Recommendation and Vote:

Concurred by unanimous vote. Senator Harding will carry the bill in the Senate.

HEARING ON SB 142

Presentation and Opening Statement by Sponsor:

Senator Tom Beck, representing Senate District No. 24, explained that this bill will require that a person holding a cow elk permit be limited to taking only a cow elk. He stated that an amendment should be made immediately to the bill to include the word "antlerless" instead of "cow" elk. The Department issued over 100,000 elk permits and only 23,000 were issued strictly for cow elk. This bill will protect the rights of people who bought bull elk tags, as people holding cow elk tags can shoot either sex. Many landowners have posted their land but they are

SENATE FISH AND GAME
EXHIBIT NO. 1
DATE 1/31/91
BILL NO. HB89

HB 89
January 31, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks to Senate Fish and Game Committee

The Department of Fish, Wildlife & Parks and the Montana Fish and Game Commission are pleased to support HB 89.

The 1979 Legislature changed the name of the department (then the Department of Fish and Game) to more accurately reflect its responsibilities. The intent in 1979 was to also change the commission's name, but due to technical omissions in the bill, it was overlooked.

The commission, as well as the department, has significant responsibilities beyond the consumptive use of fish and wildlife species. They include the state park system and the Parks Division which were transfered from the Department of Highways in 1965, the snowmobile program, the Federal Land and Water Conservation Fund community grants program, the state capital complex landscape, the management of nongame wildlife species and other responsibilities.

This bill is particularly timely because of the increased attention the public, the administration and the commission are now giving parks matters. The State Park Futures Committee, in its report to Governor Stephens and you, also recommends the change.

There will be no additional cost associated with the name change. Even the cost of stationery is not affected because it must be reprinted when new commissioners are appointed.

SENATE STANDING COMMITTEE REPORT

February 1, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 89 (third reading copy -- blue), respectfully report that House Bill No. 89 be concurred in:

Signed: _____
Bob Williams, Chairman

2-1-91
Mgt. Coord.

2-1-91
Sec. of Senate